

Message

From: Jewell, Shannon [jewell.shannon@epa.gov]
Sent: 10/15/2020 4:16:06 PM
Subject: New Hatch Act FAQ on Serving at the Polls on Election Day

Dear Colleagues,

Please read the following if you have plans to, or questions about, working at the polls on election day.

From: Hatchact Update <00000002b1f8701b-dmarc-request@LISTSERV.OSC.GOV>
Sent: Tuesday, October 13, 2020 12:12 PM
To: HATCHACT@LISTSERV.OSC.GOV
Subject: New Hatch Act FAQ on serving at the polls on election day

Below is a Hatch Act FAQ regarding service as a poll worker, poll watcher, election official, or in any other capacity at the polls on election day. The FAQ is also posted on OSC's website at <https://osc.gov/Services/Pages/HatchAct-FAQ.aspx>.

Q: May I serve as a poll worker, poll watcher, election official, or in any other capacity at the polls on election day?

Less Restricted Employees: Generally yes. The Hatch Act does not prohibit a less restricted federal employee from performing purely nonpartisan election administration duties on behalf of a state or local government, such as by serving as a municipal or county poll worker. Performing such duties is not "political activity" as defined in 5 C.F.R. § 734.101. However, other laws or regulations may apply. Therefore, employees should consult with an agency ethics official to determine whether there are any other possible restrictions on serving as a poll worker on behalf of a state or local government, including whether employees may accept compensation for such service.

The Hatch Act also does not prohibit a less restricted employee from working at the polls on behalf of a political party, partisan political group, or partisan campaign, such as by serving as a poll watcher or challenger, but certain restrictions do apply. Because volunteering on behalf of a political party, partisan political group, or partisan campaign is political activity, a less restricted employee may not do so while on duty, wearing an agency uniform or insignia, or using a government-owned or -leased vehicle. Provided that the employee complies with these restrictions, the Hatch Act does not prohibit a less restricted employee from working at the polls on behalf of, or in coordination with, a political party, partisan political group, or partisan campaign.

Further Restricted Employees: Possibly. A further restricted employee is not prohibited from performing purely nonpartisan election administration duties on behalf of a state or local government, such as by serving as a municipal or county poll worker. Some jurisdictions require that prospective poll workers identify their political party registration or affiliation during the application process. Further restricted employees are not prohibited from listing their party registration or affiliation on application materials. So long as the work the employee will perform on election day is purely nonpartisan and not on behalf of, or in coordination with, a political party, partisan political group, or partisan campaign, the Hatch Act would not prohibit the employee from working at the polls. Further restricted employees should consult with an agency ethics official to determine whether there are any other possible restrictions on serving as a poll worker on behalf of a state or local government, including whether employees may accept compensation for such service.

Further restricted employees may not, however, work at the polls on behalf of, or in coordination with, a political party, partisan political group, or partisan campaign. Accordingly, further restricted employees may

not, for example, serve as poll watchers or challengers on behalf of a political party, partisan political group, or partisan campaign or otherwise act in concert with such a party, group, or campaign.

If you have any Hatch Act related questions, feel free to contact the Hatch Act Unit at 202-804-7002 or send an e-mail to Hatchact@osc.gov.

Thank you,
Shannon

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EPA Office of Pesticide Programs, Immediate Office